THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.19803 OF 2005

Date:28.09.2005

Between:

Dr.C.K.Lakshmi Devi,

W/o.N.S.Raghupathi,

Working as Tutor in Anatomy,

S.V.Medical College, Tirupathi,

Chittoor District.

… Petitioner

AND

The Registrar, NTR University of Health Sciences

A.P. at Vijayawada and another

… Respondents

ORDER:

The petitioner was admitted into M.D.Anatomy course, in the year 2002, in the S.V. Medical College. Initially, One Dr.R.Shekar, Head of the Department, was her guide. Subsequently, the

2nd respondent herein was posted as Head of the Department and guided the petitioner. The relationship between the petitioner and the 2nd respondent was not cordial. At the request of the petitioner, a different guide was allotted to her. On completion of three years study, the petitioner appeared in the written examination conducted for 400 marks. It is stated that she secured 257 marks. The examination comprises of Viva voce and practical. The petitioner was due to appear in the Viva voce under the scheme of examination. She expressed apprehension that if she is required to appear before a team of examiners at Tirupathi, there is every likelihood of the 2nd respondent influencing the examiners.

Acting on this representation, the University issued a Memo, dated 11.05.2005, permitting the petitioner to appear in the Viva voce examination at the Guntur Medical College. Such an examination was held at Guntur on 19th and 20th May of 2005. The Viva voce was conducted by two professors (external) from Karnataka and two professors from Guntur Medical College. The result thereof was communicated to the petitioner vide letter dated 09.08.2005. It was indicated that the dissertation report of the petitioner was not approved by the two external examiners, and as such, she was declared 'failed' in practical. Petitioner challenges the action of the University in declaring her as failed, and seeks a direction to the respondents to exempt her from submitting the dissertation work once again, and to direct the University to re-conduct the practical and oral examinations with the local examiners, without any participation by the 2nd respondent.

Heard the learned counsel for the petitioner, learned standing counsel for the 1st respondent and the learned counsel for the 2nd respondent at length. They have referred to the various provisions of the Regulations framed by the University as well as the correspondence that ensued between the parties.

The record itself discloses that the relationship between the petitioner and the 2nd respondent was not cordial. On its part, the University took appropriate steps in allotting another guide to the petitioner in the place of the 2nd respondent, and even permitting her to appear for the Viva voce in a different Medical College in the State. One cannot expect a better transparency and treatment than this, in the given circumstances.

In the written test, the petitioner secured 257 out of 400 marks. Viva voce is said to be part of the examination process. In the

Viva voce, conducted at Guntur Medical College, the petitioner was examined by two external professors from Karnataka and two internal professors from Guntur. According to the petitioner, the professors from Guntur Medical College virtually become external to her, inasmuch as she is from S.V. Medical College, Tirupathi.

The grievance of the petitioner, in this regard, could have been addressed, to had it been a case, where she suffered detriment in the hands of the professors from Guntur Medical College. The record discloses that she was declared 'failed' by two external professors.

The whole episode is not in a good taste. Be it on account of lack of performance up to the required standard on the part of the petitioner, or any act giving scope for comment on the part of the 2nd respondent. The very process of awarding degrees to an important course like M.D.Anatomy is brought to the level of controversy. All the parties ought to have conducted themselves in such a way as not to give scope for any suspicion and to gain the confidence of each other.

Be that as it may, once the University has declared the petitioner as having failed in Viva voce, this Court cannot reverse that result. The petitioner has to follow the next course of action. It is by no means a simple thing for a person, pursuing such a specialized course to repeat the entire exercise. Had it been a case where the assessment was not preceded by any such accusations or expressions of lack of confidence, the petitioner ought to have been required to repeat the entire exercise in accordance with the Rules. However, having regard to the developments that have taken place in this case, the possibility for requiring the petitioner to repeat the Viva voce examination can be explored from, without requiring the petitioner to undergo the ordeal of appearing in the written test, if it is not so blatantly contrary to the Rules.

Hence, the writ petition is disposed of directing the University to consider the feasibility of permitting the petitioner to appear in the Viva voce examination as and when conducted for the next batch, on the basis of her performance in the written examination, in which she has secured 257 marks. The University shall take this decision within a period of two weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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L.NARASIMHA REDDY,J

Date:28.09.2005

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